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6 **UNITED STATES DISTRICT COURT**  
7 **SOUTHERN DISTRICT OF CALIFORNIA**  
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9 DARREN WHITNEY,  
10 Petitioner,  
11 v.  
12 A. HEDGPETH, Warden,  
13 Respondent.

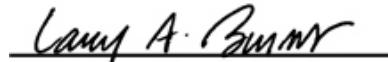
Civil No. 07cv1592 LAB (PCL)

**AMENDED ORDER DISMISSING  
PETITION WITHOUT PREJUDICE**

14 On September 5, 2007, this Court issued an Order dismissing this 28 U.S.C. § 2254  
15 habeas corpus action without prejudice for failure to use the proper form. Dkt No. 2. That Order  
16 also erroneously refers to an *informa pauperis* Motion, whereas this Petitioner has actually paid  
17 the \$5.00 filing fee in full without requesting *informa pauperis* status. The Court accordingly  
18 hereby rescinds those portions of the earlier order alluding to such a Motion and status. The  
19 remainder of the September 5, 2007 Order remains in full effect, and Petitioner is again advised  
20 that to have this case reopened, he must, **no later than November 5, 2007**, file a First Amended  
21 Petition that cures the pleading deficiencies set forth in the prior Order, along with a copy of this  
22 Order.

23 **IT IS SO ORDERED.**

24 DATED: September 6, 2007

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26 **HONORABLE LARRY ALAN BURNS**  
27 United States District Judge  
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